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TAGS: [ECON](#) [ETRD](#) [EUN](#) [TBIO](#)  
SUBJECT: DEMARCHE REQUEST: EU REGULATORY COMMITTEE  
FEBRUARY 25 VOTE ON BIOTECH CORN

[1](#)1. Sensitive but unclassified Entire text

[1](#)2. (U) This is an action request. Please see Para 6.

[1](#)3. (SBU) BEGIN SUMMARY: On February 25, 2009, the EU's DG Environment Regulatory Committee will vote on the DG Environment's proposal to approve two biotech corn varieties for cultivation purposes. Prior to this meeting, it is important that we remind member state officials of their obligations under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), specifically their obligation to operate a science-based regulatory review process that is not subject to undue delays. We should urge them to support the proposal to approve these biotech corn varieties, which have been determined by the European Food Safety Authority (EFSA) to be safe. End Summary.

[1](#)4. (SBU) On February 25, 2009, the EU Regulatory Committee (DG Environment Regulatory Committee) will vote on the proposals to approve Pioneer Hi-Bred International's 1507 corn for cultivation and Syngenta's Bt11 corn for cultivation, feed, and industrial processing. If approved, these biotech products would be the first varieties approved for cultivation since 1998. Currently, Monsanto's MON810 corn is the only biotech corn variety approved for commercial cultivation in the EU. Despite the WTO ruling against the EU's biotech regime, neither the Regulatory Committee nor the Council has mustered qualified majority to approve a biotech variety, whether for import or cultivation. A qualified majority is a majority of member states and 73.99% of weighted votes. The upcoming vote follows the December 4 Commission Decision to approve the import of MON89788 which, like many of its predecessors, failed to attain a qualified majority of votes to approve or reject the application in the Regulatory Committee or in the Council.

[1](#)5. (SBU) Both varieties currently under consideration, Pioneer Hi-Bred International's 1507 corn and Syngenta's Bt11 corn, are resistant to the European Corn Borer. Pioneer Hi-bred's 1507 was submitted for EU approval in 2001 under EU Directive 2001/18. Syngenta's Bt11 was first submitted for EU approval in 1996 and later resubmitted as an expanded application under EU Directive 2001/18 in 2003. In 2005, both products received a positive safety assessment from the EFSA. In July 2008, after two years of non-action by the DG Environment Commissioner, the applications were sent back to EFSA for further review. Three months later, in October 2008, both received a second positive assessment after EFSA reviewed scientific studies related to the environmental impact of corn cultivation. Both products are grown in the United States and have been approved in other important export markets.

[1](#)6. (SBU) ACTION REQUEST: Posts are requested to deliver the talking points in paragraph 7 to appropriate member state

officials in the Ministries of Agriculture, Foreign Affairs and Trade, as well as to other officials Posts deem appropriate. Additional specific talking points for the Czech Republic, Slovakia, Romania, Spain, Sweden, Portugal, Belgium, and Bulgaria are provided below. Posts are requested to report by cable or email host government reactions to USTR, USDA/FAS, USDOC and State Department, EBB/TPP/ABT and EUR/ERA.

17. (SBU) BEGIN TALKING POINTS:

GENERAL:

-- We understand that member states will be voting on the DG Environment proposals to approve two biotech corn varieties for cultivation at the February 25 meeting of the DG Environment Regulatory Committee.

-- We note that on two separate occasions, most recently in October 2008, EFSA has determined that these biotech varieties are as safe as their conventional counterparts. EFSA made its determinations after a thorough evaluation of the scientific evidence, including the impact of their cultivation on the environment.

-- EFSA's October Assessment included a review of 11 scientific publications published after the first EFSA

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assessment in 2005, as well as, relevant recent peer-reviewed papers identified by EFSA. None of these studies invalidated the original positive risk assessment.

-- We urge you to support the proposals to approve these two biotech varieties which have already been approved for food, feed and processing use in the EU and which have been approved in other major markets as well.

-- Recent farmer surveys show that European farmers are increasingly asking for access to biotech seed. Approval of these corn varieties will allow farmers to choose the product that will best address their agronomic needs and help them remain competitive in the face of growing pest infestation and weed resistance challenges in Europe.

-- The EU's biotechnology regulatory system must be permitted to function properly. For this to happen, member states must respect their regulatory approval system - a system that they have chosen.

-- It is each WTO Member's responsibility to adhere to the principles and obligations of the WTO SPS Agreement, including the obligation to operate a product approval process based on science and not subject to undue delays.

-- Finally, we note that the WTO Panel found against the EU in our dispute on biotech approvals. Member states have repeatedly failed to recognize EFSA's expertise and findings and abide by their own approval system. The United States remains very concerned with the state of the EC's compliance with the WTO panel finding.

Additional points for the Czech Republic, Slovakia, Romania, Spain, Sweden, Portugal, Belgium, and Bulgaria.

-- In 2008, 13.3 million farmers in 25 countries chose to grow biotech crops on 125 million hectares, up from 114.3 million hectares in 2007.

-- In 2008, farmers in seven EU member states were permitted to and chose to grow biotech corn on 100,000 hectares.

-- While we have seen a steady increase in the acceptance and cultivation of biotech corn among EU farmers over the last few years, MON810 remains the only biotech product approved for cultivation in the EU.

-- Recent farmer surveys show that many EU farmers want to use biotech corn varieties to control for corn rootworm, a devastating corn disease.

-- On February 25, member states will have the opportunity to approve these corn varieties for cultivation. Without these approvals, EU farmers will increasingly find themselves at a competitive disadvantage with other farmers that have access to the technology that for over a decade has proven to be safe and effective.

END TALKING POINTS.

CLINTON